

REMARKS

Claims 1-13 are pending. Applicants have canceled claim 2 without prejudice. Claims 1 and 3-13 will therefore be pending upon entry of the proposed amendments.

Applicants have amended claim 1 to incorporate the limitations of claim 2. Applicants have also deleted the phrase "hydrates or solvates" from claim 1.

The foregoing amendments are being made for the sole purpose of expediting prosecution of the present application. No new matter is introduced by these amendments.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1 and 2 are rejected for allegedly being indefinite because, according to the Office, "the term 'hydrates' is confusing." (Office Action, page 2).

Applicants respectfully disagree with the rejection, however, to expedite prosecution, Applicants have deleted "hydrates" in claim 1. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejections under 35 U.S.C. § 112, first paragraph

Written Description

Claims 1 and 2 are rejected for allegedly failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. According to the Office: "[c]laims 1-2 lacks description of the claims i.e. 'hydrates'" (Office Action, page 3).

Applicants respectfully disagree with the rejection, however, to expedite prosecution, Applicants have deleted "hydrates" in claim 1. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

Enablement

Claims 1 and 2 are rejected for allegedly failing to comply with the enablement requirement of 35 U.S.C. § 112, first paragraph. The Office has argued (Office Action, page 3):

Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making solvates and hydrates of the claimed compounds.

Applicants respectfully disagree with the rejection, however, to expedite prosecution, Applicants have deleted the phrase “solvates and hydrates” from claim 1. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection under 35 U.S.C. § 102(b)

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Andersson et al. WO 2002/04446 (“Andersson”).

The rejection has been met by amending the claims. More specifically, Applicants have amended claim 1 to incorporate the limitations of claim 2, a dependent claim that is not rejected under U.S.C. § 102(b) as being anticipated by Andersson. In view of the foregoing, Applicants respectfully request that the rejection be withdrawn.

Applicant : Brian Springthorpe et al.
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CONCLUSION

Applicants submit that all claims are in condition for allowance.

The fee in the amount of \$120 for the one month extension fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of a Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-504US1 / 100974-1P US.

Respectfully submitted,

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